

## Questions and Answers/November 6, 2007, Webstream

1. Can an Instructional Assistant implement special education instruction in a general education setting? The IEP calls for special education reading instruction for 150 minutes per week; if the IA (paraprofessional) is implementing those services--do they count at special education minutes as listed on the IEP?

Answer: No, this will not count as special education. The paraprofessional can implement services but not those that must be implemented by a certificated teacher.

2. What is the difference on the Notice of Action between initial services and initial placement?

Answer: Please see the questions and answers on this topic posted from the October webinar. There is no difference - the more recent language speaks to initial services, which appears to have replaced the concept of "initial placement."

3. With a reevaluation, it is our understanding that you do not need a parent signature, but two attempts to notify....are we misunderstanding that?

Answer: You need consent unless you can show that the parent failed to respond to your two attempts to obtain consent.

4. If there is an Out-of-State transfer and you determine they qualify for special education services after the review, would it be considered an initial evaluation needing a new report since OST's are seen as providing initial services?

Answer: If you have rejected the evaluation report, you treat the evaluation as an initial evaluation and you generate an evaluation report.

5. If a team evaluated a student for an initial evaluation and the student did not qualify, parent requests another special education evaluation - is this considered an initial evaluation again since he has not met eligibility?

Answer: Yes, this should be treated as an initial evaluation.

6. Are the end of the year exams for high school to be developed by the school district or will they be provided by the assessment division?

Answer: The State will provide the actual exams.

7. How does DESE view "consult only" on an IEP with no direct services involved?

Answer: An IEP that merely provides for "consult only" would be highly suspect. If the student is not in need of special education (specially designed instruction) they need to be exited.

8. Follow-up question to reevaluation: To dismiss a student from special education, can the parent and IEP team agree to dismiss based on addressing reevaluation like the triennial reevaluation process where we agree to not do testing?

Answer: A decision to exit the student can be made following the reevaluation process (review of existing data) even though the team has decided no additional testing was needed. This

needs to be distinguished from the triennial evaluation process where there is the option to completely avoid the reevaluation process (no review of existing data).

9. If you are going with a primary disability, do you cite weaknesses in the other areas without calling the weaknesses a disability?

Answer: You can cite the areas of weakness and you can also refer to it as a disability even though it may not be the category of disability that you have identified the child under.

10. Does DESE have any recommendation on criteria for establishing a pattern of strengths and weaknesses for SLD eligibility determination, e.g. SEM...Standard deviations...?

Answer: No. You may want to touch base with the RPDC in your area and see if one of the consultants can give you some advice on this.

11. If we go for a statewide IEP system, would districts then contract with DESE or would it be provided to the district free of charge?

Answer: We will not know until we get further along in the process. First, we need to establish support for the state electronic IEP; then we need to see what potential vendors have to offer; then we need to pursue a contract. Depending on the cost, we may need to look to districts to bear some cost. My preference would be for it to be free to districts.

12. If a speech implementer is qualified to provide services on an IEP, why not in the EIS?

Answer: They may be "qualified" but with an issue pending about whether there is legal authority for a speech implementer to provide speech services, it is unclear whether they are qualified legally; right now. Our use of speech implementers in special education is based on the state's implementation of IDEA. EIS is not special education and IDEA cannot be used as a basis for an implementer qualification when providing EIS.

13. I realize that a student must be reevaluated to be dismissed from special services - example from speech - can this particular reevaluation situation also NOT include actual testing - if the Review of Data process indicates that no additional testing is needed. (I am referring to a dismissal process only here).

Answer: See answer to #8 above.

14. Deaf/Hearing Impaired students: can the Sign Language Interpreter preview the MAP to practice the test language like ELL teachers can?

Answer: No. Sign language is not treated as a foreign language.

15. If DESE proceeds with a statewide electronic IEP system, will evaluation reports be a component of the system or only the IEP?

Answer: It is too early in the process to know; it may depend on what the contractors have to offer us.

16. When we receive transfer students, they often have dual or triple category identifications. What is your opinion on the use of dual identification categories? If it is acceptable, which disability is reported during the December 1 count?

Answer: For the December count, you must identify the primary disability. Over the years we have discouraged use of dual disability identification. But it is not prohibited. As long as you are careful to identify the primary and use that to report child count.

17. Can the student orally read the communication arts part of the MAP, if they are testing in a one on one situation?

Answer: Yes.

18. Is there a timeline applicable to the excusal of certain IEP members? In other words, how far in advance, prior to the meeting, should the parent and LEA approve excusal? Is same day excusal permissible?

Answer: No, there is no timeline to excuse. Yes, same-day would be permissible.

19. But that Triennial form supposes that there has been no review of existing completed doesn't it? That is why I think it is scary.

Answer: You are correct, the form to document agreement that no reevaluation is needed for the Triennial evaluation, requires no review of existing data, and yes, I can see how that might be a scary proposition in some districts. A district could decide not to use that option.

20. We are experiencing an increase in parental expectations for daily communication about a student's progress or what the student has experienced at school on a daily basis. This greatly exceeds what is provided for students without IEPs. What guidance can DESE give as to the frequency of communication with parents on these issues? IEP does not require. Just quarterly progress reports. She wants daily data.

Answer: The legal expectation is to implement the IEP; the IEP team decides how often a report on progress needs to be made and the team decides on whether a parent request for daily communication is necessary. Certainly, this would not be the state's expectation in most cases; perhaps the team, when faced with such a request, could try to find a middle ground to see if it is effective (every week? every other week?). If it is not in the IEP, there is no requirement to do this. Somehow you need to convey to the parents that the teachers would be working 24 hours a day if they did this for all kids they serve.

21. Does a diagnosis of OHI imply that the student's cognitive ability is in the average range and with the absence of the impairment; the student would function in the average range?

Answer: No, not necessarily.

22. How long must we keep disability determination paperwork? From DDS from the state? These are from the social security administration and teachers give their input on if a student should receive disability benefits. I am not sure these should be part of their educational records. These are not always special education students. Should we even keep copies?

Answer: If you have maintained the copies, you treat them the same as other educational records. The best practice may be to return the form and not keep a copy for your files.

23. Has the consideration been made to separate the written portion from the reading portion for Communication Arts MAP, so that the written portion, especially the prompt for the performance event, can be read?

Answer: I do not know if this was considered when the policies were put into place, but do not anticipate any changes in our current policies on this issue.

24. Can an accommodation be that the student orally read the communication arts portion of the MAP?

Answer: Yes.

25. How will the end of course exams be selected for the students receiving credit in special education? Typically, the credit awarded in special education is just credit for specific subject areas and not associated with the regular education courses that the end of course exams measure.

Answer: There are mandatory exams that must be taken for the high school level; the students with disabilities will have to take those.

26. We are seeing an increase in OT services and Behavior Intervention Plans being provided to Speech only students. Are there any guidelines to help IEP teams make proper decisions for these two services in particular?

One commentator shared: There are no eligibility guidelines for OT. It will only be provided if the IEP determines that OT is needed by the student in order to achieve IEP goals.

27. Is there any active discussion about a statewide purchase of progress monitoring tools such as Aimsweb?

Answer: If the decision is made to provide a state electronic IEP, we will next explore a statewide progress monitoring tool.

28. I thought I read where the reading to the student invalidates the standardized testing....

Answer: You are correct; oral accommodation on the CA portion of the MAP will invalidate the score. That is because you are testing the ability to read, so if you read it to the student, you are not actually testing the ability to read.

29. In your last webinar, you stated that there was "no such animal as an ISP. "What would you call the "ISP?" Any recommendations for a "name?"

Answer: I would just refer to it as a Services Plan. I do not like the reference to ISP because I think it really confuses people; it sounds too much like an IEP.

30. Has DESE ever presented at a medical seminar and addressed the medical profession concerning them advising parents as to what special education should be doing for their child without having a specific knowledge of what special education's responsibilities are?

Answer: No, but what a great idea if they would have us.

31. We are working with staff to build knowledge of our administrators on standards-based IEPs. What technical assistance can you give us regarding standards-based IEPs? What is the long-term vision for standards-based IEPs in MO?

Answer: We are still planning on a statewide workshop/training on Standards-Based IEPs for this school year. In the meantime, please refer to documents sent via SELS.

32. For a MAP-A student, what type of diploma is issued?

Answer: A student with a disability should receive a regular diploma if they either meet the district's graduation requirements (credits) or if they meet their IEP goals. See DESE guidance document on graduation, posted on the Division of School Improvement website. There is no distinction between a MAP-A student and a MAP student. If the MAP-A student does not meet his/her IEP goals, you might give him/her a certificate of attendance instead of a regular diploma.

33. Has there been any more discussion with MAP assessment about allowing students who are receiving early intervening services can have special education like accommodations on the MAP assessment?

Answer: There is no context for students receiving EIS to receive accommodations on the MAP as they are not identified as students with disabilities.

34. How significant will the upcoming changes be to the Standards and Indicators Manual?

Answer: They will not be significant; many were typo errors that are being corrected. A chart will be sent out identifying the changes for your convenience.

35. Do you have any recommendations on criteria for establishing strengths and weakness for SLD eligibility determination?

Answer: No, I really do not; however, I recommend you contact the RPDC in your area and see if one of the consultants can hook you up with some resources.

36. Follow-up - we need to make daily therapy logs or notes about therapy available for mom to look at, but not copies? If a parent requests daily notes from therapist, do we have to provide copies?

Answer: If the parent is requesting copies of the therapist's daily notes and the notes do not come under the "personal note" exception, then you do need to provide access to the notes. Access is the right to inspect and review. Copies are only required if the denial of copies is the denial of access; for example, if the parent is in prison or the hospital and can not come by the school to inspect and review.

37. We heard that the MAP-A will not be included in AYP in the future. True or rumor?

Answer: False.

38. Since Adapted PE is a direct service that some children with disabilities receive, does it have to be documented in the present level? Also, does it require goals?

Answer: Adapted PE is a service that would be identified in the IEP and it would require goals.

39. Could a certified teacher, possibly a special education teacher, provide the EIS services when language is the concern?

Answer: I think the issue boils down to whether the service is speech therapy. If the special education teacher worked directly with the student, one-on-one, there may be a concern that the student is receiving special education services without being identified as special education.

40. Will a special education student be required to take an "end of course exam" if they do not ever take the class in regular education? Example: IEP student earns math credits in special education, will they have to take any of the math end of course exams before graduating?

Answer: Yes, the student with a disability will be required to take the exam even though they did not take the class.

41. Is the state still requiring MO schools to use a 40-60 body count in determining speech-language caseloads? Do districts have the option of using a severity formula in determining caseloads?

Answer: No, this is a recommended caseload, not required.

42. I received a call from Children's Division asking me about school districts completing developmental assessments on all children placed in foster care up to the age of 10 when they enter the school district, the social worker said it was a new mandate for them and wondered if our special education department could do these assessments for them?

Answer: I have not heard of this. I will check with the Children's Division head and see what she can tell me.

43. If an implementer is a certified teacher, can they provide the EIS?

Answer: If you are talking about providing speech services, then to provide EIS, the teacher would have to have a certificate in Speech I believe. Again, I would be concerned about the implementer issue. See question/answer #12.